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TELECOPY MESSAGE

TO: USPTO

DATE: 15 June 2007

FROM: Nevin Shaffer

PAGES INCLUDING COVER: 8

RE: US patent REISSUE application 10/685,735

FAX NO.: 571-273-8300

CLIENT: Amtex Scale & Systems, Inc.

File no. 101-881

Confirmation no.: 6726

Applicant: Thomas W. Stephens, et al.

Examiner: Randy W. Gibson

Filing Date: October 14, 2003

Group Art Unit: 2841

Title: Load Cell Apparatus and Method

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OFFICE OF PETITIONS

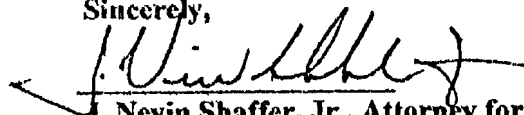
MESSAGE:

Dear Office of Petitions and Examiner Gibson:

Attached is a Response to your Decision and to the Office Action in this case, 4 pages;
and Reissue Application Declaration by the all Inventors, 3 pages.

Thank you for you efforts.

Sincerely,



J. Nevin Shaffer, Jr., Attorney for Applicant
Reg. No. 29,858

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PATENT
101-881

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:
Thomas W. Stephens et al.

Serial No.: 09/523,385

Filed: March 10, 2000

US patent No.: 6,303,882

Issued: October 16, 2001

Reissue serial no. 10/685,735

Filed: October 14, 2003

FOR: LOAD CELL APPARATUS AND METHOD)

Examiner: Randy W. Gibson

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OFFICE OF PETITIONS

Group Art Unit: 2859

Confirmation Number: 6726

Mail Stop Petition
Mail Stop Reissue
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

VIA Fax to: 573-273-8300

REQUEST FOR RECONSIDERATION OF PETITION AND RESPONSE TO OFFICE

This paper is submitted in response to a decision refusing status under 37 CFR 1.47 in conjunction with the submission of a Reissue Patent Application for the above-identified application which matured into US patent Number 6,303,882. The Decision was dated April 18, 2007 and this Request is filed within two months of that date.

Further, this paper is submitted in Response to the Final Office Action dated May 15, 2007 and is thus filed within a month of that date.

DECLARATION SIGNED BY ALL INVENTORS

Attached herewith is a Declaration signed by both inventors in the case. As a result, the Petition to file the subject Reissue Patent Application in accordance with 37 CFR 1.47(a) is moot and is withdrawn.

In accordance with the April 18, 2007 Decision, the Office of Petitions has determined that the reissue oath or declaration in compliance with 37 CFR 1.63 and 1.175 was acceptable and that the petition fee had been received. Thus, Applicants respectfully submit that the subject Reissue Patent Application is in condition for allowance by the Examiner since all objections from the Office of Petitions have now been met.

DECLARATION SPECIFICALLY IDENTIFIES AN ERROR

Further, in response to the Office Action, the Applicants' respectfully submit that the error has been specifically described in the limited space provided at the bottom of the first page of the attached Declaration signed by all the inventors on PTO/SB/51 (06-07). It identifies the error in a specific claim, ["claim 1"], and the specific claim language wherein lies the error ["that independent claim 1 as originally allowed was too narrow" because it required "two compliance assemblies"]. Further, it also describes how claim 1 has been amended [by deleting that element and adding the language "at least one compliance assembly"] and what other amendment was made [deletion of claim 2 and adding its limitations to claim 1] and why that is allowable all in the space allowed in the PTO form. Thus, Applicants respectfully submit that the Declaration by all the Inventors be accepted and the case passed to issuance as amended.

Further, the attached Declaration signed by all the inventors on PTO/SB/51 (06-07) indicates that all the inventors have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. The amendment referred to above was the amendment filed on 10/14/2003. The Statement of Support for the Amendment from the 10/14/2003 is attached, as the Examiner suggested, for convenience as it sets forth Applicants arguments in support of the amendments to correct the error described specifically in the block at the bottom of page 1 of the Declaration.

STATUS OF THE CLAIMS

Claim 2 has been cancelled.

Claim 1, as amended, and claims 3-20 as originally allowed remain pending in this Reissue Application.

Claims 1 and 3-10 were rejected as being based on a defective reissue declaration.

Claims 11-20 have been found allowable over the art.

CLAIMS 1 AND 3-10 ARE ALLOWABLE

It is respectfully submitted that the Declaration specifically identifies an error as set forth therein. Further, the dismissal of the Petition is now moot in view of the attached Declaration signed by all inventors.

Applicants, therefore, respectfully submit that the rejection of claims 1 and 3-10 based upon a defective declaration be withdrawn in view of the attached Declaration signed by all inventors and as set forth above.

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CONCLUSION

OFFICE OF PETITIONS

In light of the above, Applicants respectfully request reconsideration and allowance of Claims 1 and 3-20. If the Examiner should feel that any issue remains as to the allowability of these claims, or that a conference might expedite allowance of the claims, the Examiner is asked to telephone the undersigned attorney.

Applicant intends this to be a complete response. No fee is believed due; however if a fee is due, please charge deposit account No. 19-1453 (Our File No. "101-881").

Respectfully submitted,

Date: 15 JUN 07

J. Nevin Shaffer, Jr., P.A.

By: 

J. Nevin Shaffer, Jr., Reg. No. 29,858
913 Gulf Breeze Parkway, Suite 43
Gulf Breeze, Florida 32561
850-934-4124

ATTORNEYS FOR APPLICANT

Certificate of Facsimile transmission

I hereby certify that this correspondence is being transmitted to the Patent and Trademark Office facsimile number (571) 273-8300 on 15 June 2007. Number of Pages, including Transmittal Letter, 8 pages.


Reg. No. 29,858, J. Nevin Shaffer, Jr.

PTO/SB/51 (10-05)

Approved for use through 04/30/2007. OMB 0651-0033

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(REISSUE APPLICATION DECLARATION BY THE INVENTOR, page 2)

Docket Number (Optional)

101-881

All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant.

Note: To appoint a power of attorney, use form PTO/SB/61.

Correspondence Address: Direct all communications about the application to:

☐ The address associated with Customer Number:

OR

☒ Firm or Individual Name

J. Nevin Shaffer, Jr.

Address

913 Gulf Breeze Parkway, Suite 43

City

Gulf Breeze

State

FL

Zip

32561

Country

USA

Telephone

850-934-4124

Email

nevin@bga.com

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2036 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2036 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

Full name of sole or first inventor (given name, family name)

Thomas W. Stephens

Inventor's signature



Date

17 MAR -1, 2007

Residence

Leander, TX

Citizenship

US

Mailing Address

4300 E. Whitestone Blvd., Leander, TX 78641

Full name of second joint inventor (given name, family name)

Donald R. Zrudsky

Inventor's signature



Date

5-3-07

Residence

Liberty Hill, TX

Citizenship

US

Mailing Address

187 River Road, Liberty Hill, TX 78642

☐ Additional joint inventors or legal representative(s) are named on separately numbered sheets forms PTO/SB/02A or 02LR attached hereto.

(Page 2 of 2)

**ATTACHMENT TO REISSUE APPLICATION DECLARATION BY THE INVENTOR FOR
REISSUE APPLICATION NUMBER 10/685,735**

STATEMENT OF SUPPORT FOR THE AMENDMENT TO INDEPENDENT CLAIM 1.

Independent claim 1 has been amended to include the limitations of original dependent claim 2. Further, independent claim 1 has been amended to delete the requirement of "an upper and a lower compliance assembly" as was originally allowed. As now presented in this Reissue application, independent claim 1 requires "at least one compliance assembly" and the at least one compliance assembly includes the limitations as originally allowed in dependent claim 2.

In the Examiner's "Reasons for Allowance, page 2 of the Notice of Allowability dated May 29, 2001, the examiner stated that " the closest prior art Le Fevre, Jr. (US patent No.2,616,683) shows an upper compliance assembly (4) attached to the top of a load cell, and an overload stop (13) on the bottom, but no lower compliance assembly; there is no teaching in the art of record to place a compliance assembly on both the top and bottom of the load cell."

Le Fevre Jr. does disclose a compliance assembly in general as the Examiner pointed out. That compliance assembly consists of a Belleville spring (4) supported between a collar (12) and a ledge (23). (See column 3, lines 56-67). Such springs are well known and Applicant discussed the advantages of Applicants' compliance assembly over such Belleville springs at Column 5, lines 63- 66 of Applicants' patent. However, nothing in Le Fevre Jr., or any of the prior art of which Applicants herein are aware, discloses or suggests a compliance assembly comprised, as required in amended independent claim 1, of a first base and a second base, a compression pad connected to said first base or said second base, a rebound pad, a load plate between said rebound pad and said compression pad, and said second base connected to said rebound pad or said compression pad. The support for these limitations is found throughout the Applicants' patent as issued at, for example, Column 2, lines 23-65 and in Figures 1-3 and in original dependent claim 2.

Further, as now presented, independent claim 1 requires "at least one compliance assembly" as so limited and does away with the requirement of "an upper and a lower compliance assembly". Support for this limitation is found, for example, in Figures 2 and 3 wherein only a single such compliance assembly is shown and each of the figures shows "at least one compliance assembly" as now more particularly claimed in independent claim 1. Further, the patent advises that the compliance assemblies operate in substantially the same manner to shield the load cell from compression and rebound loads simply depending on which end of the load cell it is placed. (Column 4, lines 51-67 and column 5, lines 1-14). Still further, the advantages of Applicants' compliance assembly as claimed is set forth throughout the patent as, for example, at column 5, lines 50-65.

Applicants respectfully submit that independent claim 1 as originally allowed was too narrow in requiring two of Applicants compliance assemblies and that independent claim 1 as now presented is allowable for the reason that the prior art does not teach or suggest Applicant's at least one compliance assembly as previously allowed as set forth in dependent claim 2, now cancelled, but the limitations of which are now included in independent claim 1.

[Note: This is and was fully presented in the Preliminary Amendment submitted by the Assignee on 10/14/2003 and to which both inventors have said in the attached Declaration that they have reviewed and understand the contents of the referenced specification, including the claims, as amended on 10/14/2003.]

J. Nevin Shaffer, Jr., P.A. *
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TO : USPTO

DATE: 15 June 2007

FROM: Nevin Shaffer

PAGES INCLUDING COVER: 4

RE: US patent REISSUE application 10/685,735

FAX NO.: 571-273-8300

CLIENT: Amtex Scale & Systems, Inc.

File no. 101-881

Confirmation no.: 6726

Applicant: Thomas W. Stephens, et al.

Examiner: Randy W. Gibson

Filing Date: October 14, 2003

Group Art Unit: 2841

Title: Load Cell Apparatus and Method

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MESSAGE:

Dear Office of Petitions and Examiner Gibson:

OFFICE OF PETITIONS

Attached is the Reissue Application Declaration by the all Inventors, 3 pages.

In the original fax received at the USPTO today at 11:58:49 AM only 7 of the 8 pages were received due to a transmission error. The USPTO advised that the first page of the Declaration was missing and I was advised to file the entire Declaration again.

Thank you for your efforts.

Sincerely,



J. Nevin Shaffer, Jr., Attorney for Applicant
Reg. No. 29,858

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REISSUE APPLICATION DECLARATION BY THE INVENTOR	Docket Number (Optional) 101-881
<p>I hereby declare that: Each inventor's residence, mailing address and citizenship are stated below next to their name. I believe the inventors named below to be the original and first inventor(s) of the subject matter which is described and claimed in patent number <u>6,303,882</u> granted <u>10/16/2001</u> and for which a reissue patent is sought on the invention entitled <u>Load Cell Apparatus and Method</u></p> <hr/> <p>the specification of which</p> <p><input type="checkbox"/> is attached hereto.</p> <p><input checked="" type="checkbox"/> was filed on <u>10/14/2003</u> as reissue application number <u>10/685,735</u> and was amended on <u>10/14/2003</u> (if applicable)</p> <p>I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.</p> <p><input type="checkbox"/> I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b). Attached is form PTO/SB/02B (or equivalent) listing the foreign applications.</p> <p>I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (Check all boxes that apply.)</p> <p><input type="checkbox"/> by reason of a defective specification or drawing.</p> <p><input checked="" type="checkbox"/> by reason of the patentee claiming more or less than he had the right to claim in the patent.</p> <p><input type="checkbox"/> by reason of other errors.</p> <p>At least one error upon which reissue is based is described below. If the reissue is a broadening reissue, such must be stated with an explanation as to the nature of the broadening: Applicant's respectfully submit that independent claim 1 as originally allowed was too narrow in requiring two of Applicants' compliance assemblies and that independent claim 1 as now presented is allowable for the reason that the prior art does not teach or suggest Applicants' at least one compliance assembly as previously allowed as set forth in dependent claim 2, now cancelled, but the limitations of which are now included in independent claim 1, all as more fully set forth in the Preliminary Amendment and Statement of Support submitted on 10/14/2003 which both inventors has read and understand as stated above. This Statement of Support is attached hereto by both inventors for convenience of the Examiner and Office.</p>	

[Page 1 of 2]

This collection of information is required by 37 CFR 1.175. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1460, Alexandria, VA 22313-1460.

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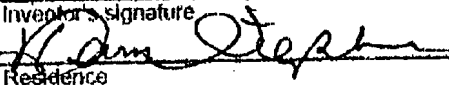
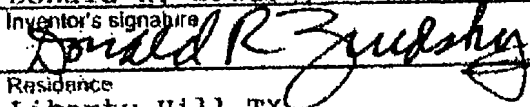
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PTO/SB/51 (10-03)

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U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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(REISSUE APPLICATION DECLARATION BY THE INVENTOR, page 2)					Docket Number (Optional) 101-881	
All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant						
Note: To appoint a power of attorney, use form PTO/SB/81.						
Correspondence Address: Direct all communications about the application to:						
<input type="checkbox"/> The address associated with Customer Number: 						
OR						
<input checked="" type="checkbox"/> Firm or Individual Name		J. Nevin Shaffer, Jr.				
Address		913 Gulf Breeze Parkway, Suite 43				
City	Gulf Breeze	State	FL	Zip	32561	
Country	USA					
Telephone	850-934-4124		Email	nevin@bga.com		
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.						
Full name of sole or first inventor (given name, family name)						
Thomas W. Stephens						
Inventor's signature				Date		
				17 MAR - 1, 2007		
Residence				Citizenship		
Leander, TX				US		
Mailing Address						
4300 E. Whitestone Blvd., Leander, TX 78641						
Full name of second joint inventor (given name, family name)						
Donald R. Zrudsky						
Inventor's signature				Date		
				5-3-07		
Residence				Citizenship		
Liberty Hill, TX				US		
Mailing Address						
187 River Road, Liberty Hill, TX 78642						
<input type="checkbox"/> Additional joint inventors or legal representative(s) are named on separately numbered sheets forms PTO/SB/02A or 02LR attached hereto.						

(Page 2 of 2)

**ATTACHMENT TO REISSUE APPLICATION DECLARATION BY THE INVENTOR FOR
REISSUE APPLICATION NUMBER 10/685,735**

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In the Examiner's "Reasons for Allowance, page 2 of the Notice of Allowability dated May 29, 2001, the examiner stated that " the closest prior art Le Fevre, Jr. (US patent No.2,616,683) shows an upper compliance assembly (4) attached to the top of a load cell, and an overload stop (13) on the bottom, but no lower compliance assembly; there is no teaching in the art of record to place a compliance assembly on both the top and bottom of the load cell."

Le Fevre Jr. does disclose a compliance assembly in general as the Examiner pointed out. That compliance assembly consists of a Belleville spring (4) supported between a collar (12) and a ledge (23). (See column 3, lines 56-67). Such springs are well known and Applicant discussed the advantages of Applicants' compliance assembly over such Belleville springs at Column 5, lines 63- 66 of Applicants' patent. However, nothing in Le Fevre Jr., or any of the prior art of which Applicants herein are aware, discloses or suggests a compliance assembly comprised, as required in amended independent claim 1, of a first base and a second base, a compression pad connected to said first base or said second base, a rebound pad, a load plate between said rebound pad and said compression pad, and said second base connected to said rebound pad or said compression pad. The support for these limitations is found throughout the Applicants' patent as issued at, for example, Column 2, lines 23-65 and in Figures 1-3 and in original dependent claim 2.

Further, as now presented, independent claim 1 requires "at least one compliance assembly" as so limited and does away with the requirement of "an upper and a lower compliance assembly". Support for this limitation is found, for example, in Figures 2 and 3 wherein only a single such compliance assembly is shown and each of the figures shows "at least one compliance assembly" as now more particularly claimed in independent claim 1. Further, the patent advises that the compliance assemblies operate in substantially the same manner to shield the load cell from compression and rebound loads simply depending on which end of the load cell it is placed. (Column 4, lines 51-67 and column 5, lines 1-14). Still further, the advantages of Applicants' compliance assembly as claimed is set forth throughout the patent as, for example, at column 5, lines 50-65.

Applicants respectfully submit that independent claim 1 as originally allowed was too narrow in requiring two of Applicants compliance assemblies and that independent claim 1 as now presented is allowable for the reason that the prior art does not teach or suggest Applicant's at least one compliance assembly as previously allowed as set forth in dependent claim 2, now cancelled, but the limitations of which are now included in independent claim 1.

[Note: This is and was fully presented in the Preliminary Amendment submitted by the Assignee on 10/14/2003 and to which both inventors have said in the attached Declaration that they have reviewed and understand the contents of the referenced specification, including the claims, as amended on 10/14/2003.]